

From: "denise king-stovall" <kingstov@hotmail.com>

To: <rwaldman@uc.usbr.gov>

Date: 5/5/2002 11:07 PM

Subject: La Plata Animas Project

Thank you for the chance to review the report. We are in full support of the northern route.

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1-1 Comment noted.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
764 Horizon Drive, Building B
Grand Junction, Colorado 81506-3946

IN REPLY REFER TO:
ES/CO:BR
MS 65412 GJ

May 20, 2002

Memorandum

To: Bureau of Reclamation, Four Corners Division, Durango, Colorado (Attn: Rob Waldman)

From: Western Colorado Field Supervisor, Fish and Wildlife Service, Ecological Services, Grand Junction, Colorado *Allan R. Foster*

Subject: Draft Environmental Assessment and Biological Assessment for Animas-La Plata Pipeline Project

This responds to your April 26, 2002, request for comments regarding the above subject. You and Bob Leachman have discussed this project on numerous occasions recently to resolve issues relating to alternative pipeline routes, and the potential for impacts to Federal trust resources that may result with pipeline construction and operation. Bob also provided verbal comments to you following our review of preliminary draft documents.

Each of the issues we identified in our planning aid memorandum of October 5, 2001, have been addressed. Most of the issues we provided verbally have also been addressed, excepting those we note below. We believe the Bureau has sufficiently addressed the potential risk of pipeline failure, and the likelihood that pipeline failure would impact federally listed species. We therefore agree with the 'not likely to adversely affect' conclusion for each of the federally listed species. We also agree that the northern route is better than the southern alternative.

We continue to have concerns relating to potential impacts to golden eagles, and we aware that the Bureau is coordinating with our Regional Office to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. We will continue to work with the Bureau on this issue to ensure these important resources are protected.

During your telephone conversation with Bob, he provided information to you regarding the Environmental Protection Agency's oil and hazardous material incident response contingency plan. We do not find any reference to this in the draft environmental assessment or biological assessment. While the environmental assessment does discuss pipeline integrity, and describes the monitoring and spill contingency plans that will be provided, we will expect these plans to at least meet the standards adopted by the Environmental Protection Agency. These standards are

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2-1 Comment noted

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2-2 Comment noted. Reclamation will continue to work closely with the Service on this issue.

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2-3 Comment noted and text has been revised to indicate that although EPA does not currently have a specific approved oil and hazardous material incident response contingency plan in place for the San Juan River, Reclamation will prepare a response plan for the pipeline relocation project that meets EPA standards. It should be noted that MAPCO has not yet made a final decision on the conversion of their 10-inch-diameter pipeline from NGL to carrying petroleum products. Reclamation, however, built upon the Questar FEIS(BLM 2001) and included a spill analysis and related evaluations

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thoroughly described in EPA's Superfund Technical Assessment and Response Team document. }
A source for this document was provided to you by Bob during your telephone conversations.

Thank you for providing us with the draft documents. If the Service can be of further assistance, please contact Bob Leachman at the letterhead address or (970) 245-3920 or 243-6209, extension 18.

pc: FWS/ES, Lakewood

BLeachman:ALPPipelineMem.wpd:052002

3 (cont)

2-3 (Cont) in anticipation that a conversion could take place at some point in the future. If MAPCO elects to move forward in the future to convert its line to another product, Reclamation would conduct appropriate environmental compliance prior to such conversion at Ridges Basin.

From: Steve Cone <scone@infoway.lib.nm.us>
To: <rwaldman@uc.usbr.gov>
Date: 5/23/2002 10:01 PM
Subject: comment DRAFT A-LP E.A.
CC: <granvfw@cyberport.com>

23 May 2002

TO: Rob Waldman, Project Manager, USBR

FROM: "electors Concerned about Animas Water" -- CAW

SUBJECT: DRAFT Environmental Assessment, Animas-La Plata Project-- Ridges Basin Dam and Reservoir Pre-Construction Facilities Relocations

Dear Rob:

We, the undersigned officers of the grassroots organization "electors Concerned about Animas Water" (CAW), respectfully object to the proposed Ridges Basin pipeline facility relocations and changes of usage without those changes and relocations having been sufficiently analyzed and addressed in a full and properly formulated Environmental Impact Statement (EIS). We cite the following concerns as reasons for our objections:

(1) A complete EIS is absolutely necessary in order to:

(a) avoid the unacceptable threat of a catastrophic incident involving pipeline rupture and the resultant spillage of untold quantities of volatile petroleum products, and

(b) avoid significant potential impacts to the health and safety of both humans and wildlife which would result from such a rupture and spillage.

(2) The contemplated relocations have never been analyzed within a NEPA document to identify and evaluate all connected, cumulative and related actions as required by the Council on Environmental Quality, and;

(3) The pipeline relocations and conversion involve incremental impacts not reviewed or even considered in previous NEPA analyses.

(4) Finally, the cumulative impacts and resultant public controversy regarding these pipeline relocations, changes of usage, and construction parameters must be analyzed in one comprehensive document, and not merely superficially reviewed --as they are in the subject document-- in an improperly segmented manner.

Sincerely,

Steve Cone, Director
Verna Forbes Wilson, secretary/treasurer
"electors concerned about Animas Water"

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3-1 Comments noted. The EA and the ALP FSEIS both analyzed the potential impacts of the proposed pipeline relocation project and related actions (i.e., relocation of County Road 211, the Greeley Pipeline, and the Tri-State Transmission Line). The EA tiers from the previous analysis in the FSEIS, which included an assessment of cumulative impacts to health and safety of both humans and wildlife. In addition, Reclamation has recognized that BLM has completed an FEIS on the Questar project (BLM 2001) which included the potential conversion of the MAPCO NGL line to carry petroleum products in Ridges Basin. MAPCO has not yet made a determination if this conversion will take place, or when. However, in anticipation that a conversion could take place at some point in the future, Reclamation completed a spill analysis and other evaluations to address the potential for the release of petroleum products in this EA. If MAPCO elects to move forward in the future to convert its line to another product, Reclamation would conduct appropriate environmental compliance prior to such conversion at Ridges Basin.

The cumulative effects of several related actions on the ALP Project were discussed in the FSEIS. In addition, the potential conversion of the MAPCO pipeline, the related actions of relocation of CR 211, Greeley gas pipeline, and the Tri-State electric line, are addressed in Chapter 4 of the EA as related and cumulative actions, based on the information currently available. Reclamation will conduct additional environmental compliance as appropriate.

Comments on Pipeline Relocation
April 2002 Draft Environmental Assessment
Animas-LaPlata Project

Douglas C. Brew
May 27, 2002

In my earlier comments submitted to the Bureau of Reclamation in December, 2001, I began by noting that if there is any intention of preserving the viability of the Colorado Division of Wildlife's game refuge .. and there clearly should be .. any proposals utilizing the ridge that forms the divide between Wildcat Canyon and Ridges Basin will do the maximum damage to the refuge. Given that the bureau has come down in favor of the proposed northern pipeline route, its proposal will do exactly that. It will essentially bisect the area along its long axis, a move that cannot help but produce the maximum in adverse affects to both the wildlife that inhabits the area and the experience of the many people who use it.

In reading the environmental assessment I am also struck by the fact that in evaluating visual impacts of creating a pipeline corridor, the document consistently holds that the "scar" produced by the pipeline right-of-way is not desirable to the viewer situated in Ridges Basin, but, by default, must be more tolerable to the viewer located in Wildcat Canyon. Chapter 5 (section 5.1.1) clearly states this: "The visual impact from the permanent right-of-way scar would be significant for the southern routing and less so for the northern alignment." It's clear that those of us who both live along Wildcat Canyon Road and drive it on a daily basis do not count much in this analysis. As another example of this bias: "Following establishment of vegetation, the visual impacts of the northern route alternative would be minimal and would be similar to the physical characteristics of the existing gas pipeline alignments. *From Ridges Basin, the right-of-way would not be highly visible because of the location of the route across gently sloping hills immediately north of the Basin area* (emphasis mine). I would ask, who are we serving here? The document seems to regard the views from the basin as being of primary importance; I'd suggest that the priorities are all wrong here.

To focus on some more specific items

Cultural Resources: section 3.3.1

The assessment notes that there were some 20 cultural resource sites identified in 1980 as lying within approximately 100 feet of the relocation corridor of the northern route, 17 of which would be potentially affected by the construction of the pipeline (p. 3-13). By contrast, the southern route has none (section 3.3.1.2 - "Previous inventories conducted within Ridges Basin have not identified a significant number of cultural resources along the southern route.").

So, there is little, or apparently nothing to disturb to the south, save the two sites noted on Southern Ute Tribal land. The northern route clearly has a greater impact on these resources.

Recreation: section 3.3.5

This is very similar to the evaluation focussing on cultural resources. As noted, "The northern route would be constructed in lands identified as potential recreation areas" (p. 3-21). The analysis recognizes, however, that these lands already host many recreationalists ... hikers, mountain bikers, skiers, etc. I'd say that the word "potential" is a bit late. By contrast ... "Existing recreation along the lands crossed by the southern route alternative are (sic) limited to hunting and sight seeing because of the steep terrain along the ridge of Basin Mountain. No recreational facilities would be affected by construction or operation of the southern route" (section 3.3.5.2, p. 3-22).

Again, the maximum impacts are recognized to be associated with the northern route.

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4-1 Comment noted. The FSEIS analyzed the potential for impacts to wildlife management corridors as a result of constructing and operating the ALP project, including the pipeline relocation project, and extensive mitigation measures have been committed to by Reclamation to compensate for the loss of wildlife habitat in these areas. In addition, construction activities associated with the pipeline relocation project will be timed in such a manner as to avoid critical wildlife periods to further reduce the potential for impacts.

4-2 Comment noted and changes made in Chapter 3. Visual impacts will vary according to the vantage point of the viewer. Reclamation believes that the visual impact of a pipeline scar on the terrain would be more significant for a viewer at Ridges Basin viewing the southern route than the northern route. For viewers located in Wildcat Canyon, the views of the northern route would be of greater concern. During construction of the northern route, visual impacts would be greater from Wildcat Canyon than later, once vegetation has been reestablished. To reduce visual impacts from Wildcat Canyon, the route has been selected to take maximum advantage of the terrain and natural openings. Further, tree clearing, especially Ponderosa Pine, would be limited in order to leave the greatest amount of screening possible.

4-3 Comment noted. The Area of Potential Effect (APE) surveyed for the pipeline relocation project was 500 feet wide. The location of the pipeline within this 500 foot APE corridor will be sited to avoid the cultural resource sites identified in the EA. Table 3-4 identifies seven sites that will involve rerouting of the pipeline. If reroute is not feasible, cultural resources would be recovered from the site(s) impacted as part of the cultural resources mitigation effort.

4-4 Comment noted. The selection of the preferred route was based on a measured review of all resource areas. On balance, when reviewed in the overall context of other resource considerations that had to be taken into account, such as the U.S. Fish and Wildlife Service's concerns that were highlighted in its October 2001 Planning Aid Memorandum, it was determined that the northern route was the preferred route for the pipeline relocation project.

Vegetation: section 3.2.3

All one has to do is examine Table 3-2 (p. 3-8) to realize that the most visible impacts, those involving the destruction of areas of Pinyon-Juniper and Ponderosa Pine woodlands are associated with the northern route. Indeed, the northern route consumes more than 2.5 times the acreage of the southern alternative, both in "temporary construction" and in "permanent conversion". Maximum impacts? The northern route.

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4-5 Comment noted. In terms of total acreage impacted, you are correct. However, the decision on selecting the northern route vs. the southern route was based on all environmental and engineering aspects of the two routes.

Construction access: section 2.4.2

This section is most interesting. A great amount of effort was expended to demonstrate that access to the southern alternative was "limited", and that several access points exist for the northern route. What seems almost bizarre to me is that pretty much the entire southern route, with the exception of where the pipeline would descend the face of Basin Mountain, is about as accessible as it gets! True, there are no graded roads running along the base of Basin Mountain, but there aren't any of those to the north either. What there is, in abundance to the south, is a relatively flat valley floor that is accessible from virtually anywhere along existing C.R. 211. Moreover, there is access along the existing pipeline. And what's even more compelling, once these roads have served their purpose, as the report notes, "Some could be within the area to be inundated by the filling of the Ridges Basin Reservoir ..." (section 2.5.2, p. 2-12). So the construction access roads would not have to be ripped up, re-seeded, and so on; they simply go away.

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4-6 Comment noted. Reclamation maintains that construction access to the southern route would be more difficult than to the northern route. New roads would be required to Basin Mountain and along the right-of-way. The southern route would be routed along the face of Basin Mountain to keep the right-of-way above the level of the future Ridges Basin Reservoir, and both construction and access on the steep slopes would be difficult. In contrast, the northern route would have access from existing county roads and two-tracks, and is much easier and less disruptive.

I have to commend the effort that went into this "limited access" routine (sorry to be sarcastic), but frankly, it's astonishing to think you put this kind of reasoning in a document purporting to be an objective assessment of the issues surrounding relocation of the pipeline.

One last comment in response to a statement in section 5. It's stated that "The hazardous geologic conditions along the steep side slopes of Basin Mountain and the difficulties associated with preparation of a construction work area in this location are major factors of concern with construction along the proposed southern route." I fully understand the difficulties that will be encountered in bringing the pipeline down the face of Basin Mountain, but I suspect that the engineers have pulled this one off before, in some other place. And as for the hazards associated with the Lewis Shale, again, I understand what the clays of this unit are capable of, but about 60% of the length of this southern alternative, once you are down in the basin, is not in an area of steep slopes, hence stability should not be an issue.

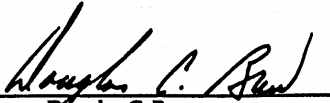
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4-7 Comment noted. Construction along the face of Basin Mountain would encounter steep slopes, including areas of instability and landslide potential. Reclamation believes that the geologically hazardous conditions are significant on the southern route.

So, to sum these comments up, it appears to me that your analysis makes a less-than-compelling case for the northern route. The footprint of this alternative is greater, it's costlier, it generates greater negative impacts on vegetation, cultural resources, recreation, and in the final analysis, simply doesn't make much sense, especially since it skews the wildlife area about as thoroughly as possible. The southern alternative is clearly the better alternative.

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4-8 Comment noted. See response to (4) above.


Douglas C. Brew

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DEER/Gas 1

Allen R. Gates
Durango Field Division Manager
Bureau of Reclamation
835 East 2nd Avenue, Suite 300
Durango, CO 81301-5475

Dear Mr. Gates:

Thank you for providing my staff with the opportunity to comment on the *Draft Environmental Assessment for the Animas-La Plata Project Ridges Basin Dam and Reservoir Pre-Construction Facilities Relocations* (DEA). Based on our review of the DEA and our field inspection of the project area on May 6, 2002, we have the following two general comments:

Project Scope - At some point during the environmental review process, it appears that the relocation of County Road 211, the Greeley Gas Company facilities, and the Tri-State electrical transmission facilities were recast as "related actions." It is unclear how the Bureau of Reclamation (Reclamation) determined that the action forcing relocation of these facilities is materially different from the one forcing relocation of the Northwest Pipeline Corporation and MAPCO pipelines. We believe that all of the facilities requiring relocation as a result of the impoundment should be addressed at the same level of detail in the environmental assessment (EA). To do otherwise segments the project scope, thereby reducing the apparent overall potential impact of the project.

Impacts and Mitigation - For most resource areas, the reader is referred to the Animas-La Plata Final Supplemental Environmental Impact Statement (FSEIS) for a description of both (a) potential impacts, and (b) measures to avoid or mitigate potential impacts. We believe that this information should be included in the EA. Otherwise, readers will have to look back at a copy of the FSEIS in order to ascertain potential impact and the mitigation proposed to avoid or lessen its significance.

We also have the following specific comments:

5-1 The relocation of Country Road 211, the Greeley gas line, and the Tri-State electric transmission line have been evaluated as related actions in Reclamation's EA because of marked differences between their implementation schedule and the Northwest/MAPCO implementation schedule. The planning efforts for the relocation of CR 211 and the Tri-State line are not complete (see letters #8 and #10 in Attachment C). When planning on these related features is further along, Reclamation will undertake appropriate NEPA compliance. Until then Reclamation felt that including them as related features was appropriate and fulfilled NEPA.

5-2 In preparing this EA, Reclamation used a "tiering" approach to develop the required NEPA analysis. This approach has been used previously by Reclamation on various projects and has generally been accepted as an appropriate method when preparing an Environmental Assessment. Reclamation believes the EA provides sufficient background information from the ALP Project 2000 FSEIS for each of the resource areas but if necessary, has supplemented the EA text with additional information from the FSEIS.

- We note that Reclamation has accepted our *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) for implementation during all phases of Northwest's construction (see final sentence in first paragraph of section 2.4). We suggest that Reclamation also adopt our *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures) as a required "special construction procedure." Further, use of our Plan and Procedures on all pipeline construction activities would allow for consistency in the construction procedures.

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5-3 Comment noted. Text has been revised.

- We suggest that the first sentence of the first full paragraph on page 5-4 be revised as "In addition to these commitments by Reclamation which focused on reducing or eliminating the potential for release of petroleum products, **the DOT regulations** require Northwest to **establish an operation and maintenance plan and an emergency response plan**, and to conduct periodic surface and/or aerial inspections of its 26-inch-diameter natural gas transmission pipeline." (Changes in bold.)

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5-4 Comment noted; text has been revised.

- Additionally, we suggest that the final paragraph on page 5-4 be revised as "Reclamation commits to the implementation of **the pertinent portions of the FERC staff's Plan and Procedures** for the Northwest and MAPCO pipelines." (Changes in bold.)

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5-5 Comment noted; text has been revised.

We look forward to Reclamation's release of the final EA in the near future.

Sincerely,

/s/ RKA, dated 5/29/02
Robert K. Arvedlund, Chief
Environmental Gas Branch I

cc: Rob Waldman
Environmental Management
Bureau of Reclamation/WCD
835 East Second Avenue, Suite 300
Durango, CO 81301-5475

From: <Mark_Mackiewicz@ut.blm.gov>
To: "Rob Waldman" <RWaldman@uc.usbr.gov>
Date: 5/30/2002 9:11 AM
Subject: Re: Environmental Assessment for Reroute of Gas Pipelines as part of AnimasLaPlata Project

Rob:

I reviewed the Environmental assessment your agency had prepared for the Animas-La Plata Project. One area that troubles us greatly is the Petroleum Spill Analysis completed by one of your contractors. The majority of this spill analysis was plagiarized from the Questar, Williams and Kern River EIS. This work was completed by Hiedi Tillquist from ENSR in Fort Collins, Colorado. Since this is a government document there is probably nothing illegal about what was done, however it borders on unethical not to site the author of this work or the document it was taken from.

Our agency would like to see a reference made to the document and or author in the final EA. Please call me if you would like to discuss further.

Thanks!

Mark

(435) 636-3616

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6-1 Comment noted. Inaccuracies in the citation have been corrected.

From: <Mike_Buntjer@fws.gov>
To: <rwaldman@uc.usbr.gov>
Date: 5/30/2002 3:02 PM
Subject: Comments on Draft EA for the Ridges Basin Dam and Reservoir

Rob:

I spoke with Bob Leachman with the Service in Grand Junction concerning the subject Draft EA and do not have any additional comments.

Mike Buntjer

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7-1 Comment noted.



Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, CO 80539-3003

MAY 28 2002

Mr. Rob Waldman
Four Corners Division
Bureau of Reclamation
835 East Second Avenue, Suite 300
Durango, CO 81301

Dear Mr. Waldman:

The Western Area Power Administration (Western) has the following comments on the draft environmental assessment (DEA) for the Animas-La Plata Project, Ridges Basin Dam and Reservoir Reconstruction Facilities Relocations.

Page 4-4; Section 4.1.2.1 Relationship of Tri-State Line to Other Project Features. Paragraph 2. Replace "Authority" with "Administration".

In section 4.1.2.1 The DEA states that "Western proposes to conduct electrical energy to power the Durango Pumping Plant using the Tri-State line. At this time, no additional tower structures or change in conductors are planned to accommodate this activity." This may not be accurate. Western's electrical systems studies show that a new 115-kV transmission line will be required to provide the electrical energy to power the Durango Pumping Plant.

In section 4.1.2.2 the DEA states that "Additional NEPA analysis may be required if significant transmission line or substation improvements are proposed to convey electrical energy to the Durango Pumping Plant." It is too early in the planning process to identify the level of NEPA review that would be required since the electrical systems planning process is not complete. We suggest that a more accurate statement would be that Western will undertake an environmental review of their action to provide electrical energy to the pumping plant.

We appreciate this opportunity to comment on the draft EA. If you have any questions on these comments, please telephone Jim Hartman at 970-461-7450.

Sincerely,

Joel K. Bladow
Regional Manager

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MAY 30 '02

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Hartman			
Ridgeway			

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8-1 Comment noted; text has been revised.

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8-2 Comment noted; text has been revised.

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8-3 Comment noted; text has been revised.

From: "JK Chair" <chcwc@hotmail.com>
To: <RWaldman@uc.usbr.gov>
Date: 5/31/2002 5:51 AM
Subject: Re: ALP

The Clean Water Coalition requested that the environmental impacts to the Animas River Valley be addressed in the Animas La Plata Project Colorado New Mexico Draft Supplement to the 1980 Final Environmental Statement. Document number DES92-41 in October 1992.

The Bureau of Reclamation chose to declare our request to be "beyond the scope of the document".>

In July of 2001, we were notified that the Bureau of Reclamation had changed their focus from the "development of environmental impacts" to "implementation of the project", and that we would be removed from their ALP mailing list!

We received the Animas La Plata Project Ridges Basin Dam and Reservoir Pre Construction Facilities Relocations Draft, Environmental Assessment of April 2002. Included was a 30 day deadline review period attached. This did not allow us time to prepare our comments.

After reviewing the document, it is clear that you admit the Animas River holds and nurtures bald eagles, and that your project will indeed impact the flow rates of the Animas River.

Since you have refused to include impacts to the Animas River Valley in your documents, it is our opinion that you have not complied with NEPA or EPA regulations.

>Thanks
>Jacob Hottell
>Cedar Hill Clean Water Coalition
>505-334-2679
>
>

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9-1 Comments noted. The EA includes a Biological Assessment (Attachment B), which addresses potential impacts to the bald eagle. The closest wintering eagles are found along the Animas River, one to two miles east of the pipeline relocation project site. At this distance, wintering bald eagles would not be affected by construction or operation of the proposed pipeline relocation project. Further, the FWS has concluded that the ALP Project, as a whole, is not likely to jeopardize the continued existence of the bald eagle (FWS Final Biological Opinion for the ALP Project, June 2002).

From: "Jim Davis" <Davisja@co.laplata.co.us>
To: <rwaldman@uc.usbr.gov>
Date: 6/3/2002 12:01 PM
Subject: CR 211
CC: "Rick Routh" <ROUTHJR@co.laplata.co.us>, <AGates@uc.usbr.gov>

The "CR 211 Location Study" dated May 24, 2002 as prepared by Bechtolt Engineering is complete and a copy was submitted to your office. The report evaluates the feasibility of three alternate road alignments for County Road 211 and four possible intersection locations with County Road 141. In conclusion the consultant is recommending the "Intermediary" alignment and the western most CR 141 intersection location, alternate #4.

Our next course of action will be to present the CR 211 Location Study to the Board of County Commissioners with our recommendation of agreement with Bechtolt's conclusion. We have not established a Board date at this time and will notify you when we are scheduled for presentation to the Board of County Commissioners. If you have any questions or require additional information about this study please feel free to contact either Rick Routh, County Engineer at 382-6371 (email: routhjr@co.laplata.co.us) or Jim Davis, Engineering Projects Manager at 382-6372 (email: davisja@co.laplata.co.us).

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10-1 Comment noted, and additional information added to the discussion of the CR 211 related action.

**NORDHAUS HALTOM TAYLOR
TARADASH & BLADH, LLP**

ATTORNEYS AT LAW

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Reply to Santa Fe Office

June 11, 2002

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SHANE C. YOUTZ, OF COUNSEL

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835 East Second Avenue, Suite 300
Durango, CO 81302-5475**

**Warren Hurley
Four Corners Division
Bureau of Reclamation
835 East Second Avenue, Suite 300
Durango, CO 81302-5475**

**Re: Animas-La Plata Project: National Historic Preservation Act
("NHPA") Section 106 consultation, Native American Graves
Protection Act ("NAGPRA") procedures, and Draft
Environmental Assessment for the Ridges Basin Dam and
Reservoir Pre-Construction Facilities Relocations**

Dear Mr. Waldman and Mr. Hurley:

I am writing on behalf of this firm's client, the Pueblo of Laguna, to confirm our conversation today about the above matters and to request further information and notice of opportunities to participate as indicated below. Please include this letter in the record for the Environmental Assessment and the NHPA and NAGPRA records for the Project.

You said you expect to complete the Final Environmental Assessment late this week or early next week, and that comments received immediately from the Pueblo of Laguna could still be considered. You explained that further investigation has identified no additional archeological, cultural or burial sites since the analysis was completed for the Final Supplemental Environmental Impact Statement for the Project overall, from which this Environmental Assessment is tiered. Moreover, you said that the Draft Environmental Assessment overstates potential effects on the sites identified because it (1) assumes a 500-foot wide pipeline corridor when in fact only a 150-foot wide corridor is needed, (2) subsurface disturbance will be within a 40-foot wide corridor, and (3) Reclamation and the contractor will work together during construction to "jog" the pipeline to avoid

**NORDHAUS HALTOM TAYLOR
TARADASH & BLADH, LLP**
ATTORNEYS AT LAW

Messrs. Waldman and Hurley
June 11, 2002
Page 2

the sites, especially because it is more efficient and less costly to do so than to excavate sites. Consequently, it appears possible to avoid direct disturbance of any site, and Reclamation should certainly take all necessary measures to do so.

You confirmed, however, that the Environmental Assessment will not reflect final cultural resources and burial site information because those matters – and tribal consultation on them – are being handled separately through the NAGPRA and NHPA processes under the Programmatic Agreement. You confirmed that the Pueblo of Laguna can continue to consult on archeological, cultural and burial sites after the issuance of the Final Environmental Assessment and at any time become a “consulting party,” “concurring party” or “signatory” to the Programmatic Agreement, as those roles are defined in the Programmatic Agreement.

You said that the Bureau of Reclamation will shortly send a letter to all consulting tribes, including the Pueblo of Laguna, advising them of the execution of the Programmatic Agreement by the Advisory Council on Historic Preservation, as well as specific changes to the Project NAGPRA Plan and how it dovetails with the Programmatic Agreement now suggested by the Hopi Tribe and the Navajo Nation. You indicated that the Navajo Nation is suggesting that the NAGPRA Plan be separated from the Programmatic Agreement, in part because of objections to State and Advisory Council involvement in the NAGPRA process. You also said that the Navajo Nation and Hopi Tribe would like to have a meeting to discuss procedures for the NAGPRA Plan, including levels of documentation and re-interment. Please include information about this meeting in Reclamation’s forthcoming letter so that the Pueblo of Laguna will have the opportunity to participate.

In addition, you said that SWCA is preparing a “Consulting Tribes Plan” to specifically outline how the tribes will be included and consulted. Please send us a draft of that plan for review and comment.

In the interim while the Programmatic Agreement is revised, a separate NAGPRA Plan is considered and a Consulting Tribes Plan is developed, please ensure that the Pueblo of Laguna has notice and opportunity to consult on avoidance of adverse effects on all sites and treatment of burial sites. In particular, please provide written notice of when construction on the pipeline relocation will begin this summer and provide an opportunity for a site visit upon construction commencement.

Finally, you confirmed that the Pueblo’s comments at our meeting with Reclamation on this matter last September, and in particular the Pueblo’s request for deletion of the inaccurate statement in SWCA’s draft report on the Project’s cultural resource impacts that no further consultation with the Pueblo is needed, have been forwarded to SWCA for revision of its report. You confirmed that further consultation is, indeed, needed and anticipated through the ongoing NAGPRA and NHPA processes. Please provide us a copy of the revised SWCA report when it is completed.

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11-1 Thank you for your comment. Reclamation will notify you for a site visit when pipeline construction begins.

NORDHAUS HALTOM TAYLOR
TARADASH & BLADH, LLP

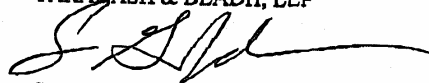
ATTORNEYS AT LAW

Messrs. Waldman and Hurley
June 11, 2002
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Thank you for your time to discuss these matters and your commitment to continuing cultural resource and NAGPRA consultations with the Pueblo of Laguna. Please direct all future correspondence on these matters to the attention of Governor Harry D. Early, Pueblo of Laguna P.O. Box 194, Laguna, New Mexico, 87026, and carbon copy me.

Sincerely,

NORDHAUS, HALTOM, TAYLOR,
TARADASH & BLADH, LLP



Susan G. Jordan

SGJ:ddg

cc: Governor Harry D. Early, Pueblo of Laguna
Victor Sarracino, Chairman, Pueblo of Laguna NAGPRA Committee